

REMARKS

Claims 1-42 are pending in the application. Claims 1, 10 and 19 have been amended. Reconsideration is respectfully requested in light of the following remarks.

Double Patenting Rejection:

The Office Action provisionally rejected claim 1 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending application Serial No. 10/087,237. The instant application and the 10/087,237 application are both pending patent application, not issued patents. If and/or when this rejection becomes non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection.

Section 112, Second Paragraph, Rejection:

The Office Action rejected claims 1, 10 and 19 under 35 U.S.C. § 112, second paragraph as indefinite. Claims 1, 10 and 19 have been amended to overcome the Examiner's rejection.

Section 102(b) Rejection:

The Office Action rejected claims 1, 2, 4-7, 9-11, 13-16, 18, 19, 21-24, 26, 27, 29-32, 34, 35, 37-40 and 42 under 35 U.S.C. § 102(b) as being anticipated by Bauer (U.S. Patent 5,884,325). Applicants respectfully traverse this rejection for at least the reasons presented below.

In regard to claim 1, the cited art does not teach a **distributed store comprising a primary state of session data configured for access by a plurality of application servers**. The Examiner cites column 1, lines 66-67 and column 2, lines 15-17 of Bauer. However, neither of the cited passages describes either a distributed store or a plurality of application servers. In contrast, Bauer includes only a single central server

including a primary database (Bauer, column 2, lines 23-27). A single central database, even if periodically synchronized with client data, is not a distributed store comprising a primary state of session data. As described in the portions cited by the Examiner, Bauer teaches a database synchronizer for synchronizing client databases with a single centralized database. Bauer teaches that mobile clients modify their client databases when they are disconnected from the central database. When a client re-connects to the server, the database synchronizer synchronizes the client database to the central database.

Bauer specifically employs a single central server and a plurality of remote clients (Bauer, column 1, line 67 – column 2, line 1; column 6, lines 4-13). As shown in Fig. 1 of Bauer, a single server node 10 provides a central database 12 which may be synchronized for a plurality of client nodes 20_{a-z}. Thus, Bauer clearly fails to teach a plurality of application servers. In contrast, Bauer relies upon a single central server. Presumably, the Examiner contends that the plurality of clients in Bauer is equivalent to a plurality of applications servers. However, by definition, clients are not application servers, as is well known in the art.

Additionally, the central database of Bauer is not configured for access by a plurality of application servers. The clients in Bauer do not access the central database 12. Instead, the clients only access their local databases. Those local databases are then synchronized with the central database through the database synchronizer and the single central server in Bauer. But the clients in Bauer do not access the central database themselves. Furthermore, as noted above, the clients in Bauer are clearly not application servers. Thus, Bauer does not teach a distributed store comprising a primary state of session data configured for access by a plurality of application servers.

Furthermore, the central database in Bauer does not store a primary state of session data accessible by a plurality of application servers. As noted above, Bauer teaches that each of the clients (which are not application servers) accesses its own client database, which may later be synchronized with the single central database by the database synchronizer. A database as described in Bauer refers to a collection of data

that is manipulated by clients. Data manipulated by clients in a database is not session data that represents the state of a client session for a client. Nowhere does Bauer describe the data stored in his central database as *session data*. Session data is a well-understood concept in the art of application servers, and the data stored in the databases in Bauer is clearly not described as session data.

In further regard to claim 1, Bauer also does not teach a first application server of the plurality of application servers, comprising a client state of the session data accessible to processes executing within the application server. As noted above, Bauer does not teach a plurality of application servers. Instead, Bauer teaches only a single central server, as noted above. Bauer does not disclose anything about processes executing within an application server accessing a client state of session data. Clearly, Bauer does not anticipate a first application server of the plurality of application servers, comprising a client state of the session data accessible to processes executing within the application server.

Applicants respectfully remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Bauer has nothing to do with application servers or session data. Furthermore, Bauer requires a single centralized database server to control synchronization. Thus, Bauer actually teaches away from a distributed store accessible by a plurality of application servers.

For at least the reasons presented above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above also apply to claims 10 and 19.

Regarding claim 27, Bauer does not disclose determining a subset of attributes in a client state of session data on a first application server that have been modified, wherein the session data is accessible to one or more processes executing within the application server. The Examiner cites column 2, lines 13-15 and column 1, lines 60-62. However, as noted above regarding claim 1, Bauer does not teach a client state of session data on an application server. Nor does Bauer teach that session data is accessible to processes executing with an application server.

As described above, Bauer teaches only a single central server including a primary database. Bauer's single central database, even if periodically synchronized with client data, is not a distributed store comprising a primary state of session data. Bauer teaches a database synchronizer for synchronizing client databases with a single centralized database and that mobile clients modify their client databases when they are disconnected from the central database. Synchronization occurs when a client re-connects to the server.

Additionally in regard to claim 27, Bauer fails to disclose synchronizing a primary state of session data on a distributed store. As noted above, Bauer's system does not include a distributed store. Instead, Bauer teaches the use of a single, central database. The Examiner cites column 2, lines 63-64. However, this portion of Bauer only describes how the central, tabular, database is updated with modifications from Bauer's clients. The cited passage makes no mention of a distributed store. In fact, as noted above regarding claim 1, nowhere does Bauer mention a distributed store.

Furthermore in regard to claim 27, Bauer fails to disclose wherein the primary state (of the session data) is accessible by a plurality of application servers. As noted above, Bauer fails to teach anything regarding a plurality of application servers. The Examiner cites column 1, lines 66-67. However, this passage of Bauer only mentions that Bauer's database synchronizer is used to share data among nodes on a computing system. The cited passage makes no reference to, nor has relevance to, a

plurality of application servers. Bauer teaches that his system “includes a server computer having a central database for storing data therein and any number of client computers have a remote database” (Bauer, column 2, lines 23-37). Thus, Bauer does not mention anything about a plurality of application servers.

Thus, for at least the reasons presented above, the rejection of claim 27 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above also apply to claim 35.

In regard to claim 4, Bauer fails to disclose a system configured to perform **object graph differencing of an object graph representation of the client state and an object graph representation of the benchmark of the client state**. The Examiner cites column 2, lines 51-57 of Bauer. This passage of Bauer describes comparing the tables of a database to determine those rows and columns that have differences between two versions of the database. The cited passage does not mention anything regarding performing an object graph differencing. Nor does the cited passage mention object graph representations of the client state or of the benchmark of the client state. The rows and columns of a database cannot be considered object graph representations, as object graph representations are understood in the art. Nowhere does Bauer describe the rows and columns of his database as being object graph representations. The Examiner does provide any argument or explanation regarding those portions of Bauer system the Examiner considers be object graph representations. Thus, the rejection of claim 4 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claims 13, 21, 29, and 37.

In regard to claim 9, Bauer fails to disclose a system configured to perform **object graph differencing of an object graph representation of the tracked accessed attributes and an object graph representation of the benchmark of the attributes of the client state**. The Examiner cites column 2, lines 51-57. However, as noted above regarding claim 4, the cited passage of Bauer does not describe performing *object graph differencing* and further fails to mention anything regarding *object graph representations*.

In fact, nowhere does Bauer mention an object graph representation of tracked accessed attributes or of a benchmark of the attributes of the client state. Instead, Bauer teaches that individual row and columns of a traditional tabular database are compared with an earlier version of the database to determine what modifications to occurred at a client (column 2, lines 47-50). Without some clear teaching or discussion by Bauer regarding performing object graph differencing of object graph representations of tracked access attributes, Bauer cannot be said to anticipate claim 9. Thus, for at least the reasons above, the rejection of claim 9 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 18, 26, 34 and 42.

Section 103(a) Rejection:

The Office Action rejected claims 3, 8, 12, 17, 20, 25, 28, 33, 36 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Burns (“A Linear Time, Constant Space Differencing Algorithm”). Applicants traverse the rejection of claims 3, 8, 12, 17, 20, 25, 28, 33, 36 and 41 for at least the reasons presented above regarding their respective independent claims. Furthermore, Burns contains no teachings that would overcome deficiencies of Bauer noted above in regard to the independent claims.

In regard to the rejections under both § 102 and § 103, Applicants also respectfully submit that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the respective rejections of the independent claims have been shown to be unsupported by the prior art, a further discussion of the dependent claims is not necessary at this time. Applicant reserves the right to present additional arguments, if necessary, at a later date.

CONCLUSION

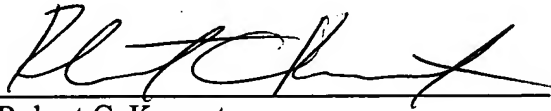
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-12000/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: July 5, 2005